

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

PROPOSED TEXT

TITLE 13, CALIFORNIA CODE OF REGULATIONS
CHAPTER 10, INTERNAL AFFAIRS
AMEND ARTICLE 1, SECTION 1800

CONFLICT OF INTEREST CODE (CHP-R-07-01)

Existing text:Times New Roman 12 point font.
Additions:Times New Roman 12 point font with single underline.
Deletions:~~Times New Roman 12 point font with strikethrough~~

**Title 13, California Code of Regulations
Chapter 10, Internal Affairs
Article 1, Conflict of Interest Code
Section 1800, Conflict of Interest Code for the California Highway Patrol
is amended to read:**

1800. Conflict of Interest Code for the California Highway Patrol.

The Political Reform Act, Government Code Sections 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. Section 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings. Therefore, the terms of 2 Cal. Code of Regs. Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission, along with the attached appendix(s) in which officials and employees are designated and disclosure categories are set forth, are hereby incorporated by reference and constitute the Conflict of Interest Code of the California Highway Patrol.

Designated employees shall file statements of economic interests with the agency who will make the statements available for public inspection and reproduction (Government Code Section 1008). Upon receipt of the statement of the Commissioner, the agency shall make and retain a copy and forward the original of this statement to the Fair Political Practices Commission. Statements for all other designated employees will be retained by the agency.

Note: Authority cited: Section 2402, Vehicle Code; and Section 87800, Government Code.
Reference: Section 87300, Government Code.

APPENDIX

<i>Designated Positions</i>	<i>Assigned Disclosure Categories</i>
Commissioner	1
Deputy Commissioner	1
Assistant Commissioner, Field	1
Assistant Commissioner, Staff	1
Executive Assistants of Assistant Commissioners	1
In House Counsel	1
Commander, Office of Public Affairs	1
Commander, Office of Special Representative	1
Commander, Governor's Protective Detail	1
Commander and Assistant Commander of the following divisions:	
— Administrative Services Division	2
— Enforcement Services Division	2
— Information Management Division	2
— Professional Standards Division	2
— Protective Services Division	2
Commanders of the following offices and sections:	
— Accounting Section	2
— Budget Section	2
— Facilities Section	2
— Network Management Section	2
— Office of Dignitary Protection	2
— Office of Organization Development	2
— Office of Research and Planning	2
— Office of Special Projects	2
— Software Development and Support Section	2
— Telecommunications Section	2
Uniformed staff (except the Commander) of the Office of	
— Special Representative	2

Chiefs and Assistant Chiefs of Field Divisions	3
Area Commanders	3
Special Services Commanders in Field Divisions	3
Commanders of the following:	
— Office of Capitol Services	4
— Office of Court Services	4
— Office of Equal Employment Opportunity	4
— Office of Employee Relations	4
— Chief and Assistant Chief, Personnel and Training Division	4
The following Business Services Section Employees:	
— Supervisor, Purchasing Unit	4
— Supervisor, Purchasing Services	4
— Coordinator, Warehouse Supply	4
— Supervisor, Contract Management Unit	4
— Employees, Contract Management Unit	4
Commanders of the following:	
— Academy	4
— Audit and Evaluation Section	4
— Business Services Section	4
— Health and Safety Section	4
— Internal Affairs Section	4
— Motor Transport Section	4
— Personnel Services Section	4
— Selection Standards and Examinations Section	4
— Support Services Section	4
— Commercial Vehicle Section	5
— Field Services Section	5
— Investigative Services Section	5
— Office of Air Operations	5
Lieutenants and sergeants assigned to	
— permanent positions in CHP headquarters unless otherwise specified	

— in the Appendix.....	5
Consultant*	1

~~*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the Code subject to the following limitations:~~

~~The Commissioner may determine in writing that a particular consultant, although a “designated person,” is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The Commissioner’s determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.~~

DISCLOSURE CATEGORIES

Category 1

Designated employees in Category 1 shall report:

- (a) — All investments;
- (b) — All interests in real property;
- (c) — All income; and
- (d) — All business positions held in any business entities.

Category 2

Designated employees in Category 2 shall report:

- (a) — All interests in real property;
- (b) — Any investments in, business positions with, and income from, any source that:
 - (1) — Within the previous two years has done business, is currently doing business, or plans to do business with the California Highway Patrol to provide services, equipment, leased space, materials, or supplies.
 - (2) — Is a commercial motor carrier, an operator of motor vehicles for hire, or an operator of motor vehicles used for commercial purposes.
 - (3) — Is a manufacturer or vendor of motor vehicles or aircraft and automotive or aircraft parts, accessories, or supplies.

Category 3

Designated employees in Category 3 shall report items stipulated in Category 2 if:

- (a) — ~~The real property, investments, business entities, or other sources of income are located within the boundaries of the designated employee's geographical area of departmental responsibility; and/or~~
- (b) — ~~The business entities are doing, plan to do, or within the last two years have done, business in that geographical area.~~

Category 4

~~Designated employees in Category 4 shall report investments and business positions in any business entity and income from any source of the type that has provided during the two years preceding the filing of this report, or is currently providing, or planning to provide the California Highway Patrol with services, equipment, leased space, materials, or supplies.~~

Category 5

~~Designated employees in Category 5 shall report:~~

~~Investments in any organization and business positions in any business entity and income from any source that,~~

- (a) — ~~is subject to inspection, regulation, licensing, or certification by the California Highway Patrol; or~~
- (b) — ~~is a manufacturer or vendor of motor vehicles or aircraft and automotive or aircraft parts, accessories, or supplies.~~

~~NOTE: Authority cited: Section 2402, Vehicle Code; and Section 87300, Government Code.
Reference: Section 87300, Government Code.~~

APPENDIX A

DESIGNATED POSITIONS

DISCLOSURE CATEGORIES

1. EXECUTIVE MANAGEMENT

a. <u>Commissioner</u>	1,2
b. <u>Deputy Commissioner</u>	1,2
c. <u>Assistant Commissioner, Field</u>	1,2
d. <u>Assistant Commissioner, Staff</u>	1,2
e. <u>Executive Assistant(s)</u>	1,2
f. <u>Lieutenant, Administrative Assistant(s)</u>	4

2. EXECUTIVE OFFICES - reporting to the Deputy Commissioner

a. <u>Commander, Office of Internal Affairs</u>	4
<u>Captain, Programs Unit</u>	4
<u>Captain, Investigations Unit</u>	4
b. <u>Commander, Office of Employee Relations</u>	4
<u>Lieutenant, Section Supervisor</u>	4
c. <u>Commander, Office of Special Representative</u>	1
<u>Lieutenant, Assistant Special Representative</u>	4,6
<u>Sergeant, Office Manager</u>	4,6
d. <u>Commander, Office of Media Relations</u>	1

3. HEADQUARTERS COMMANDS - reporting to the Assistant Commissioner, Staff

a. <u>Commander, Employee Assistance Unit</u>	4
b. <u>Commander, Office of General Counsel</u>	1,2
<u>Staff Counsel III</u>	1
<u>Staff Counsel(s)</u>	1
c. <u>Commander, Office of Risk Management</u>	1
<u>Lieutenant, Risk Management Analysis Unit</u>	4
d. <u>Chief and Assistant Chief, Personnel Management Division</u>	4
<u>Commander, Selection Standards and Examinations Section</u>	4
<u>Commander, Personnel Services Section</u>	4
<u>Commander, Disability and Retirement Section</u>	4
e. <u>Chief and Assistant Chief(s), Information Management Division</u>	2,4
<u>Lieutenant, Administrative Assistant</u>	4
<u>Lieutenant, Computer Crimes Unit</u>	4
<u>Commander, Information Technology Section</u>	4
<u>Commander, Support Services Section</u>	4
<u>Commander, Telecommunications Section</u>	2,4

APPENDIX A

DESIGNATED POSITIONS

DISCLOSURE CATEGORIES

f.	Chief and Assistant Chief, Planning and Analysis Division	2,4,6
	Lieutenant, Administrative Assistant	4,6
	Commander, Research and Planning Section.....	4,6
	Commander, Special Projects Section.....	4,6
	Commander, Emergency Operations Section	4
g.	Chief and Assistant Chief(s), Enforcement Services Division	4,6,7
	Lieutenant, Administrative Assistant	6,7
	Commander, Commercial Vehicle Section	6,7
	Manager, Motor Carrier Safety Unit	6,7
	Lieutenant, Bio-Terrorism Unit	6,7
	Lieutenant, CVISN Project Manager.....	6,7
	Commander, Field Support Section	6,7
h.	Chief and Assistant Chief , Administrative Services Division	2,4,6
	Commander, Business Services Section	4
	Business Manager.....	4
	Manager and employees of the Purchasing Services Unit	4
	Contract Services Unit Analyst(s)	4
	Commander, Fiscal Management Section.....	4
	Commander, Facilities Section.....	2,4
	Commander, Fleet Operations Section.....	4,6
	Program Manager(s)	6
i.	Commander, Office of the Academy	4
4.	<u>FIELD COMMANDS - reporting to the Assistant Commissioner, Field</u>	
a.	Commander, Office of Air Operations	5,6
b.	Chief and Assistant Chief(s), Protective Services Division	3,5
	Lieutenant, Administrative Assistant	5
	Commander, Judicial Protection Section.....	5
	Commander, Dignitary Protection Section.....	5
	Commander, Capitol Protection Section	5
c.	Chief and Assistant Chief(s) in field Divisions	3,5,6,7
d.	Special Services Commander(s) in field Divisions	6,7
e.	Area Commander(s).....	3,5,6,7

5. CONSULTANTS*1

*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the Code subject to the following limitation:

The Commissioner may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to comply fully with the disclosure requirements described in this section. Such determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The Commissioner’s determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest code.

APPENDIX B

DISCLOSURE CATEGORIES

Category 1

All investments, business positions and income, including gifts, loans and travel payments.

Category 2

All interest in real property in the State of California.

Category 3

All interest in real property located within the boundaries of the designated employee's geographical area of departmental responsibility.

Category 4

All investments, business positions and income, including gifts, loans and travel payments, from sources that provide leased facilities, goods, equipment, vehicles, machinery or services, including training or consulting services, of the type utilized by the California Highway Patrol.

Category 5

All investments, business positions and income, including gifts, loans and travel payments, from sources that provide leased facilities, goods, equipment, vehicles, machinery or services, including training or consulting services, of the type utilized within the designated employee's geographical area of departmental responsibility.

Category 6

All investments, business positions and income, including gifts, loans and travel payments, from any source that,

- is a commercial motor carrier, an operator of motor vehicles for hire, or an operator of motor vehicles used for commercial purposes.
- is a manufacturer or vendor of motor vehicles or aircrafts and automotive or aircraft parts, accessories, or supplies.

Category 7

All investments, business positions and income, including gifts, loans and travel payments, from sources that are subject to the regulatory, permit or licensing authority of, or have an application for a license or permit pending before, the agency.